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Congress of the United States
House of Representatives
Washington, DC 20515-4709

December 13, 2017

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Pai:

I am writing on behalf of the constituents of the Ninth Congressional District of Washington who are gravely concerned about the plan to eliminate net neutrality and to convey the vehement opposition to it that they have shared with me. I urge you and the Federal Communications Commission (FCC) to reject these harmful changes to internet governance and instead preserve strong and enforceable protections for a free and open internet.

I am also strongly opposed to the "Restoring Internet Freedom" order, which is currently pending before the FCC, and am very worried that it will jeopardize unfettered access to the internet. This rule would effectively end net neutrality and fundamentally alter the manner in which internet service is governed by reversing the classification of broadband internet as a telecommunications service under Title II of the Communications Act.

Title II has provided the only authority available in law to effectively preserve an open internet that has been upheld by the courts. Since the reclassification of internet service in 2015, Title II regulation has served to ban blocking, throttling, and paid prioritization, and has enhanced transparency rules. Additionally, the current regulatory approach has helped to protect consumer privacy, disability accessibility, consumer complaint and enforcement processes, and fair access, while barring unjust and unreasonable practices as well as discrimination.

The Restoring Internet Freedom order ends crucial net neutrality and consumer protections and abandons the FCC's duty to protect the public interest in communications matters. Among the many concerning aspects of this plan and its potential impacts, it would eliminate the general conduct standard that stops internet service providers from harming consumers or edge providers while lifting the ban on blocking, throttling, and paid prioritization, which are at the heart of net neutrality principles. In its place, the FCC rule would merely require public disclosure about violations of net neutrality and count on after-the-fact enforcement by the Federal Trade Commission to protect consumers, even though that agency's jurisdiction and expertise is extremely limited in the telecommunications space. Finally, the Restoring Internet Freedom order prevent states and localities from enacting laws that attempt to protect consumers and the

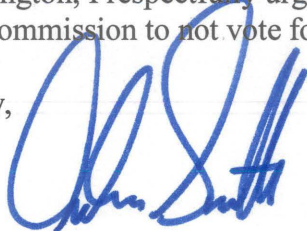
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internet by filling the void left by the FCC's withdraw of responsibility to protect and maintain a free and open internet.

The internet has become an indispensable tool – one that millions of people and businesses rely on being open and accessible for a wide array of purposes. This proposal puts the historic strengths of the internet and future of the web at serious risk. It opens the door to new barriers to accessing and sharing information, perspectives, and content. The order shifts power over the internet to a relatively small number of large companies that will be empowered to handle internet traffic based on their own commercial interests. This rule risks undercutting innovation and hampering the myriad of businesses that rely on the internet to grow and reach their customers. It threatens free speech and democracy by allowing limitations on the dissemination of and access to a full range of information and views. The plan makes increased costs to consumers likely and favors the wealthy and powerful. It also undermines equity of access to internet service that will disproportionately harm those who are economically disadvantaged.

On behalf of the many thousands of concerned constituents of the Ninth Congressional District of Washington, I respectfully urge your rejection of this misguided plan to end net neutrality and for the Commission to not vote for the proposed Restoring Internet Freedom order.

Sincerely,



Adam Smith
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 20, 2018

The Honorable Adam Smith
U.S. House of Representatives
2264 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter regarding the *Restoring Internet Freedom Order*, which reestablished the authority of the Federal Trade Commission to oversee the network management practices of Internet service providers while returning to the light-touch legal framework that governed such practices for almost twenty years.

At the dawn of the commercial Internet in 1996, President Clinton and a Republican Congress agreed that it would be the policy of the United States “to preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation.” This bipartisan policy worked. Encouraged by light-touch regulation, the private sector invested over \$1.5 trillion to build fixed and mobile networks throughout the United States. Innovators and entrepreneurs grew startups into global giants. America’s Internet economy became the envy of the world.

Then, in early 2015, the FCC jettisoned this successful, bipartisan approach to the Internet and decided to subject the Internet to utility-style regulation designed in the 1930s to govern Ma Bell. This decision was a mistake. For one thing, there was no problem to solve. The Internet wasn’t broken in 2015. We weren’t living in a digital dystopia. To the contrary, the Internet had been a stunning success.

Not only was there no problem, this “solution” hasn’t worked. The main complaint consumers have about the Internet is not and has never been that their Internet service provider is blocking access to content. It’s that they don’t have access at all or enough competition between providers. The 2015 regulations have taken us in the opposite direction from these consumer preferences. Under Title II, annual investment in high-speed networks declined by billions of dollars—the first time that such investment has gone down outside of a recession in the Internet era. And our recent Broadband Deployment Report shows that the pace of both fixed and mobile broadband deployment declined dramatically in the two years following the *Title II Order*.

Returning to the legal framework that governed the Internet from President Clinton's pronouncement in 1996 until 2015 is not going to destroy the Internet. It is not going to end the Internet as we know it. It is not going to undermine the free exchange of ideas or the fundamental truth that the Internet is the greatest free market success story of our lifetimes.

By returning to the light-touch Title I framework, we are helping consumers and promoting competition. Broadband providers will have stronger incentives to build networks, especially in unserved areas, and to upgrade networks to gigabit speeds and 5G. This means there will be more competition among broadband providers. It also means more ways that companies of all kinds and sizes can deliver applications and content to more users. In short, it's a freer and more open Internet.

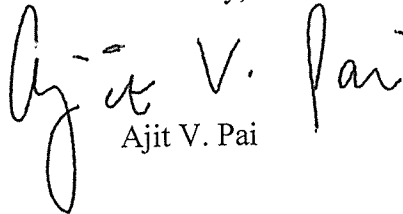
The *Restoring Internet Freedom Order* also promotes more robust transparency among ISPs than existed three years ago. It requires ISPs to disclose a variety of business practices, and the failure to do so subjects them to enforcement action. This transparency rule will ensure that consumers know what they're buying and that startups get information they need as they develop new products and services.

Moreover, we reestablish the Federal Trade Commission's authority to ensure that consumers and competition are protected. Two years ago, the *Title II Order* stripped the FTC of its jurisdiction over broadband providers by deeming them all Title II "common carriers." But now we are putting our nation's premier consumer protection cop back on the beat.

In sum, Americans will still be able to access the websites they want to visit. They will still be able to enjoy the services they want to enjoy. There will still be regulation and regulators guarding a free and open Internet. This is the way things were prior to 2015, and this is the way they will be in the future.

I appreciate your interest in this matter. Your views are important and will be entered into the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai